

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CLERK, U. S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
FILED
04/03/02
MICHAEL N. MILBY, CLERK
BY DEPUTY N. J. P. [Signature]

MARK NEWBY, ET AL.,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. H-01-3624
	§	AND CONSOLIDATED CASES
ENRON CORPORATION, ET AL.,	§	
	§	
Defendants.	§	

**MOTION FOR ENTRY OF ORDER ON STIPULATION OF THE PARTIES
REGARDING SUBPOENAS**

THE HONORABLE JUDGE OF THIS COURT:

LJM Cayman, L.P., Chewco Investments, L.P., and Michael J. Kopper (collectively, “Movants”) file this motion for entry of an order on the stipulation entered into between themselves and parties represented by Fleming & Associates (“Fleming”), and in support thereof would show as follows:

1. On March 15, 2002, the Court granted Movants’ motion to quash a subpoena wrongfully issued by Fleming to Joseph Trahan. As part of its Order, the Court directed counsel for Movants to file affidavits supporting a request for sanctions relating to the conduct leading to the entry of the Order. On March 21, 2002, Movants learned that Fleming had served another subpoena seeking the identical discovery from Mr. Trahan, this time purportedly out of the 21st Judicial District Court of Washington County, Texas in *Bullock v. Arthur Andersen, L.L.P.* Movants then filed a motion with this Court to stay discovery in *Bullock*.

2. Following the filing of the motion to stay discovery in *Bullock*, Movants’ counsel have continued their efforts to resolve their complaints and concerns regarding Fleming’s

conduct in connection with the Trahan subpoenas without the need for additional Court intervention. These efforts have led to a stipulation under which Fleming has agreed to withdraw the federal and state subpoenas at issue, and under which Fleming has agreed to an appropriate process for seeking the type of discovery at issue in the subpoenas, should such discovery be required in the future. These agreements have rendered moot, at least for the time being,¹ the concerns raised by Movants in the motion to stay discovery in *Bullock*.

3. Movants request that the Court enter the stipulation as an order of the Court, and as a result cancel the hearing set by the Court on Movants' motion to stay discovery in *Bullock*. A proposed form of order is attached for the Court's consideration.

WHEREFORE, PREMISES CONSIDERED, Movants respectfully request that the Court enter an order affirming the stipulation of the parties and cancelling the hearing currently set for April 4, 2002 on Movants' motion to stay discovery.

Respectfully submitted,

By: 

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Attorney-in-Charge for Movants

¹As indicated in the stipulation, it does not waive any objection to further discovery that may be conducted in the future.

OF COUNSEL:

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Attorneys for Defendants
LJM Cayman, L.P., Chewco
Investments, L.P., and
Michael J. Kopper

CERTIFICATE OF CONFERENCE

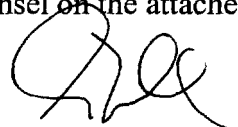
I certify that as indicated by the signatures on the stipulation, it represents the agreement of the parties to the relief requested by this motion.



Eric J.R. Nichols

CERTIFICATE OF SERVICE

This pleading was served by facsimile in compliance with the Rules 5b of the Federal Rules of Civil Procedure on April 3, 2002, to all counsel on the attached Service List.



Eric J.R. Nichols